

## SB 156 - Revise law to coordinate political candidate filing deadlines for federal elections

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SB

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SB 156 changes to the law to move filing deadlines, certification of primary ballot, filling of vacancies prior to primary and special elections to fill congressional vacancies from 75 days before primary election to 85 days before primary election.

Applies only to federal elections (includes state and county elections), does not impact municipal elections.

Section/Issue	Current Law	SB 156
<b>Declaration of Nomination</b> 13-10-201	Declarations for nomination must be filed 135 days before election and 75 days before the primary election	Candidates declaration for nomination must be filed no sooner than 145 days before the election and 85 days before the primary election
<b>Certification of Primary Ballot</b> 13-10-208	Ballot certified no more than 75 days and no less than 67 days before the primary	Ballot certified no more than 85 days and no less than 75 days before the primary
<b>Withdrawal from nomination</b> 13-10-325	A candidate may not withdraw later than 85 days before a general election or 75 days before a primary election	A candidate may not withdraw later than 85 days before a general or primary election
<b>Vacancy prior to primary election</b> 13-10-326	Allows for replacement if a candidate dies or withdraws 75 days or more before primary election	Allows for replacement if a candidate dies or withdraws 85 days or more before the primary election
<b>Secretary of State to certify ballot</b> 13-12-201	75 days or more before an election, the secretary of state certifies ballot	75 days or more before a federal general election, the secretary of state certifies the ballot
<b>Vacancy in office of the US representative</b> 13-25-203	Election to fill term shall be held no less than 75 or more than 90 days from time of vacancy	Election to fill term must be held no less than 85 or more than 100 days from date on which vacancy occurs
<b>Names not to appear on ballot</b> 13-37-126	Political Practices must notify SOS if name is not to be on the ballot, by the ballot certification deadline for primary elections and no later than 7 days before the ballot certification for general elections	Within 8 days of certification deadline for primary election, Commissioner of Political Practices must notify SOS if name is not to be on the ballot  No change for the general election.

Senate Bill 156 – Revise Candidate Filing Dates  
Testimony in Support – Lisa Kimmet

Mister Chair, members of the Committee, for the record I am Lisa Kimmet, Elections and Government Services Deputy for Secretary of State Linda McCulloch. I am here in support of Senate Bill 156.

This Bill was a request by the Secretary of State, and I would like to thank Senator Cooney for sponsoring the bill.

Because of the relatively recent complexity of the certification of the ballot form and content process, the office of the SOS worked with the COPP and county elections officials to draft legislation that would allow adequate time for review, verification and certification of ballots, as well as more time for county election officials to submit the ballot information electronically so that ballots can be programmed for the automark and vote tabulating and printed.

In current law, the ballot must be certified no later than 67 days before the Primary Election. The ballot cannot be certified by the SOS office until the COPP notifies this office of any candidate whose name cannot appear on the ballot – which must be done by the ballot certification deadline. That gives this office little time to make any necessary modifications (additions or removals of candidates' names) to the form and content of the ballot, and certify it to the counties.

In 2008, counties were required to submit their ballot information electronically on Monday, March 31. Due to tight timelines in current law, the SOS office certified the ballot to the counties on Friday, March 28. Counties had one working day to get this information submitted. 19 counties did not make the March 31 deadline, and received a letter from the ballot printing company that the company may not be able to comply with the deadline for having ballots available for absent military and overseas voters (45 days before the election), and that the county may incur additional charges.

HB 19 – SAVA clean up election bill, includes a provision that ballots to absent military and overseas voters be mailed at least 45 days before a federal election (current law just says they must be “sent as soon as the ballot is printed”.) This will help absentee military and overseas electors while putting additional pressure on the counties to get ballot information submitted on time.

This bill will allow each entity responsible for ballot accuracy, COPP, SOS and county election offices, additional time to ensure that the ballot is accurate in form and content. Very few things that the SOS office does carry more responsibility than certifying the ballot, this change in candidate filing deadlines would help us to carry out that responsibility effectively and efficiently and help to ensure that Montana military and overseas citizens receive their ballots within a timeframe that gives them the opportunity to vote and return the ballot.